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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,613	10/31/2003	Andrew W. Marsden	20341-72630	9865
23643	7590	03/10/2005	EXAMINER	
BARNES & THORNBURG 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204				RIVERA, WILLIAM ARAUZ
ART UNIT		PAPER NUMBER		
		3654		

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

(5)

## Office Action Summary

	Application No.	Applicant(s)
	10/698,613	MARSDEN
	Examiner	Art Unit
	William A Rivera	3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9, 11 and 13-16 is/are rejected.
- 7) Claim(s) 10, 12 and 17-20 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/25/03 &amp; 1/30/04</u> .	6) <input type="checkbox"/> Other: ____.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to Claim 11, lines 3-4, the phrase “the opening on the first surface of the first portion. It appears that Claim 11 should depend upon claim 10 instead of 7.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Neville (British Patent No. 2 210 844).

With respect to Claims 1-9 and 13-16, Neville, Figures 1-7, teaches a cord shortening device, comprising: a monolithic housing 1 having a first portion 1a and a second portion 1b monolithically connected by a living hinge 2, the monolithic housing being adapted to open and close by at least one of the first and second portions rotating about the living hinge; one of the portions including a monolithically incorporated post 5a,5b configured to windably receive a first section of a length of cord; and at least one of the first and second portions having an opening 6 at at least one end of the at least one portion to receive second and third sections of cord; at least one enclosing mechanism formed by the opening when the first and second

portions are closed on each other configured to releasably enclose at least one of the second and third sections of the length of cord; a securing mechanism 3 monolithically incorporated with the housing and configured such that when the first and second portions are closed on each other, they are held releasably secure, and the first section of the length of cord is stored in the monolithic housing and the second and third sections of the length of cord are enclosed, respectively, by the at least one enclosing mechanism; wherein the at least one enclosing mechanism includes two enclosing mechanisms, one for each of the second and third sections of the length of cord; wherein both of the first and second openings have a substantially equal portion of the opening which is formed when closed; including a securing mechanism monolithically incorporated with the housing and configured such that when the first and second portions are closed on each other, they are held releasably secure; wherein the securing mechanism includes interlocking elements; wherein the interlocking elements include a protrusion on the first portion that securely and releasably mates with a recess in the second portion; wherein the post is monolithically included in the second portion and the post has a height such that it only reaches essentially up to an underside of the first surface of the first portion when the first and second portions are closed on one another.

***Allowable Subject Matter***

Claims 10, 12 and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

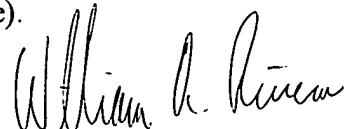
***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William A Rivera whose telephone number is 703-308-2684. The examiner can normally be reached on Monday to Friday - 7:30 to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 703-308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**WILLIAM A. RIVERA  
PRIMARY EXAMINER**

March 7, 2005